

Notice of Allowability

Application No.

10/069,027

Examiner

Vy Q. Bui

Applicant(s)

TERAI, HIROMU

Art Unit

3731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 2/15/2005.
2. ☒ The allowed claim(s) is/are 1,3,5-7,9 and 11.
3. ☒ The drawings filed on 19 February 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue.

Authorization for this examiner's amendment was given in a telephone interview with applicants' attorney, Mr. Holtz, on 03/31/2005.

2. The application has been amended as follows:

CLAIM 1 (Patent claim 1): A therapeutic appliance for treating dissecting aortic aneurysms, said appliance comprising:

a stretchable bag-like element provided on and along an end portion of a catheter, said stretchable bag-like element having an inside film and an outside film which are directly joined at a plurality of linear joined portions, each of said linear joined portions being substantially parallel to a longitudinal axis of the catheter, and said linear joined portions being spaced apart in a direction perpendicular to the longitudinal axis of the catheter;

wherein said bag-like element is shaped as a flat film when not holding a fluid inside and is shaped as a tube when holding a fluid inside; and

wherein the linear joined portions do not extend to a front edge and a rear edge of the bag-like element.

Art Unit: 3731

CLAIM 3: A therapeutic appliance for treating dissecting aortic aneurysms, said appliance comprising:

a stretchable bag-like element provided on and along an end portion of a catheter, said stretchable bag-like element being substantially rectangular and comprising an inside film and an outside film which are directly joined at a plurality of linear joined portions, each of said linear joined portions being substantially parallel to a longitudinal axis of the catheter, and said linear joined portions being spaced apart in a direction perpendicular to the longitudinal axis of the catheter;

wherein said bag-like element is shaped as a flattened film when not holding a fluid inside and is shaped as a flat plate when holding fluid in a free load state; and

wherein the linear joined portions do not extend to a front edge and a rear edge of the bag-like element.

3. The following is an examiner's statement of reasons for allowance: the prior art of reference has failed to disclose or suggest a therapeutic device comprising a stretchable bag-like element along a catheter structured as recited in the claims, the bag-like element having an inside film directly joined to an outside film at linear joined portions, especially each of said linear joined portion of said device is parallel to a longitudinal axis of the catheter and said linear joined portion are spaced apart in a direction perpendicular to the longitudinal axis of the catheter.

Claims 1, 3, 5-7, 9 and 11 are allowed.

Art Unit: 3731

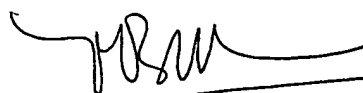
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vy Q. Bui whose telephone number is 571-272-4692. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan T Nguyen can be reached on 571-272-4963. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



04/01/2005

Vy Q. Bui
Primary Examiner
Art Unit 3731